

1
2
3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 Antonio Goodwin,

7 Plaintiff,

8 v.

9 AT&T,

10 Defendant.

Case No. 2:23-cv-01950-GMN-DJA

Order

11 Before the Court is Defendant's motion for a hearing. (ECF No. 106). The Court
12 previously granted Defendant's motion for sanctions and set a hearing to determine the amount of
13 those sanctions in an omnibus order. (ECF No. 96). In that omnibus order, the Court also set the
14 matter of Plaintiff sitting for his deposition for a hearing. (ECF No. 96).

15 After Plaintiff appealed the omnibus order (ECF Nos. 100, 101), the Court vacated its
16 hearing to decide the amount of sanctions. (ECF No. 102). Defendant now asks the Court to
17 reschedule the hearing to determine the matter of Plaintiff sitting for his deposition. (ECF No.
18 106). Defendant also asks the Court to hear Plaintiff's motion for appointment of counsel. (ECF
19 No. 98). Plaintiff opposes Defendant's motion, asserting that the Ninth Circuit now has
20 jurisdiction given his appeal. (ECF No. 108).

21 Defendant has the better argument. While an appeal generally divests the district court of
22 its control over those aspects of the case involved in the appeal, the district court "retains
23 jurisdiction to address aspects of the case that are not the subject of the appeal." *Griggs v.*
24 *Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982); *United States v. Pitner*, 307 F.3d 1178,
25 1183 n.5 (9th Cir. 2002). Here, Plaintiff's appeal involved the Court's decision on Defendant's
26 motion for sanctions, not the Court's decision to hear the issue of Plaintiff's deposition. So, the
27 Court finds that it retains jurisdiction to hear that issue.
28

1 **IT IS THEREFORE ORDERED** that Defendant's motion for a hearing (ECF No. 106)
2 is **granted**. The Court will hear the issue of Plaintiff's deposition and his refusal to sit for that
3 deposition, along with Plaintiff's motion for appointment of counsel (ECF No. 98). That hearing
4 is set for **July 28, 2025, at 1:30 PM**. This hearing will be held **virtually**. The Court will send a
5 virtual invite to attend the hearing to the parties' email addresses before the hearing. The parties
6 must demonstrate the same decorum in the virtual hearing that they would in an in-person
7 hearing.

8 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send a copy of
9 this order to Plaintiff.

10
11 DATED: July 9, 2025

12 
13 _____
14 DANIEL J. ALBRECHTS
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28